

Applicant respectfully submits that no new matter has been added.

Claims 1-14 are currently pending.

Claims 1-3 have been amended. Support for amended Claims 1-3 can be found generally throughout the instant Specification.

In paragraph 3 of the December 6, 2001 Office Action, Claims 1-4,6,8,10-14 are rejected under 35 U.S.C Applicant has amended claims 1-3 so as to overcome the rejections under 35 U.S.C. 102(b) as being anticipated by Sramek U.S. Patent Number 4,861,583.

The Examiner asserts that Sramek teaches aqueous hot curling hair treatment compositions that comprise polyethylene oxide polymers that have a molecular weight between 20,000 to about 250,000. The Examiner deems Applicant's claims to be anticipated over the examples, and notes especially examples 1 and 15.

In paragraph 4 of the December 6, 2001 Office Action, Claims 5,7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sramek U.S. Patent Number 4,861,583.

The Examiner notes Sramek differs from Applicant's claimed invention in that there is no direct teaching (i.e. by way of an example) to composition that actually contain an anionic surfactant, a coloring agent or where the polyethylene oxide has a density of about 0.5 grams/ml. However, the Examiner asserts that it would have been obvious to one having ordinary skill in the art to use the disclosure of Sramek as motivation to make aqueous compositions that further comprises anionic surfactant and coloring agents. The Examiner asserts that this is obvious because both anionic surfactant and agents come within the board disclosure of the reference. Furthermore, such components are notoriously well known in the art to be used in such compositions. Finally, applicant's claimed polyethylene oxide density of about 0.5 grams/ml is

deemed to be met by using polyethylene oxide polymers that have a molecular weight between 20,000 to about 250,000 as disclosed by Sramek, or is deemed to be met by the polyethylene oxide polymer used in comparative example 15.

In response, Applicant has amended claims 1-3 so as to overcome the rejections under 35 U.S.C. Applicant has amended claims 1-3 so as to overcome the rejections under 35 U.S.C. 102(b) over the prior art. Specifically, Sramek does not teach the invention as now claimed. Moreover, the invention as now claimed is a composition, which can be removed from the surface at about room temperature with a solvent, which is distinct from the cited prior art reference.

Accordingly, Applicant respectfully submits that the amended application is not anticipated by the cited prior art reference and urges the Examiner to withdraw the rejection of claims 1-4, 6, 8, 10-14 under 35 U.S.C. Applicant has amended claims 1-3 so as to overcome the rejections under 35 U.S.C. 102(b) as anticipated by Sramek.

Moreover, Applicant respectfully submits that the amended application is patentable over Sramek under 35 U.S.C. 103(a) because it would not have been obvious to one having ordinary skill in the art to use the disclosure of Sramek as motivation to make the claimed composition which is capable of being removed from the surface at room temperature. There is no direct teaching in the cited prior art reference of the instant invention as now claimed. Moreover, there is no suggestion in the cited prior art reference to do so.

Accordingly, Applicant respectfully submits that the amended application is not rendered obvious by the cited prior art reference and urges the Examiner to withdraw the rejection of claims 5, 7 and 9 under 35 U.S.C. 103(a) in view of Sramek.

In paragraph 5 of the December 6, 2001 Office Action, Claims 1,3-4,6,8,11-14 are rejected under U.S.C. Applicant has amended claims 1-3 so as to overcome the rejections under 35 U.S.C. 102(b) as being anticipated by Park U.S. Patent Number 5,750,269. The Examiner asserts that Park teaches removable aqueous coating composition that comprise oxidized polyethylene wax, and process for protecting surfaces. Applicant's claims are deemed to be anticipated over example 1.

In response, the Applicant has amended claims 1-3 so as to overcome the rejections under 35 U.S.C. Applicant has amended claims 1-3 so as to overcome the rejections under 35 U.S.C. 102(b) over the cited prior art. Specifically, Park does not teach the invention as now claimed. Park teaches a wax composition, which is not removable at room temperature, but is removable with steam or hot water. Moreover, the invention as now claimed is a composition, which can be removed from the surface at about room temperature with a solvent, which is distinct from the cited prior art reference. Indeed, Park teaches away from a composition capable of being removed from the surface at room temperature.

Accordingly, Applicant respectfully submits that the amended application is not anticipated by the cited prior art reference and urges the Examiner to withdraw the rejection of claims 1, 3-4, 6, 8, 11-14 under 35 U.S.C. Applicant has amended claims 1-3 so as to overcome the rejections under 35 U.S.C. 102(b) as anticipated by Park.

In paragraph 6 of the December 6, 2001 Office Action, Claims 1-4, and 11-14 are rejected under 35 U.S.C. Applicant has amended claims 1-3 so as to overcome the rejections under 35 U.S.C. 102(b) as being anticipated by Maggiolo U.S. Patent Number 3,632,422. The Examiner

asserts that Maggiolo teaches textiles fabric soil release finishing's compositions. Applicant's claims are deemed to be anticipated over example 1.

In paragraph 7 of the December 6, 2001 Office Action, Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maggiolo U.S. Patent Number 3,632,422. The Examiner asserts that Maggiolo differs from applicant's claimed invention in that there is no direct teaching (i.e. by way of an example) to finishing compositions that actually contain a coloring agent or a fragrance. It would have been obvious to one having ordinary skill in the art, using Maggiolo as motivation, to make finishing Compositions that actually contain a coloring agent or a fragrance since such additional components come within the broad disclosure of the patent and are so well known in the art.

In response, the Applicant has amended claims 1-3 so as to overcome the rejections under 35 U.S.C. Applicant has amended claims 1-3 so as to overcome the rejections under 35 U.S.C. 102(b) over the cited prior art. Specifically, Maggiolo does not teach the invention as now claimed. Maggiolo teaches a treated textile composition, which is not removable at room temperature, but from which soil and dirt is removable at high temperature with detergents. The instant invention as now claimed is a composition, which can be removed from a surface at about room temperature with a solvent such as water, which is distinct from the cited prior art reference. Indeed, Maggiolo teaches away from a composition capable of being removed from the surface at room temperature.

Accordingly, Applicant respectfully submits that the amended application is not anticipated by the cited prior art reference and urges the Examiner to withdraw the rejection of claims 1-4,

11-14 under 35 U.S.C. Applicant has amended claims 1-3 so as to overcome the rejections under 35 U.S.C. 102(b) as anticipated by Maggiolo.

Moreover, Applicant respectfully submits that the amended application is patentable over Maggiolo under 35 U.S.C. 103(a) because it would not have been obvious to one having ordinary skill in the art to use the disclosure of Sramek as motivation to make the claimed composition which is capable of being removed from the surface at room temperature. There is no direct teaching in the cited prior art reference of the instant invention as now claimed. Moreover, there is no suggestion in the cited prior art reference to do so.

Accordingly, Applicant respectfully submits that the amended application is not rendered obvious by the cited prior art reference and urges the Examiner to withdraw the rejection of claims 9-10 under 35 U.S.C. Applicant has amended claims 1-3 so as to overcome the rejections under 35 U.S.C. 102(b) in view of Maggiolo.

In paragraph 8 of the December 6, 2001 Office Action, Claims 2-3,5, and 9-14 are rejected under 35 U.S.C. Applicant has amended claims 1-3 so as to overcome the rejections under 35 U.S.C. 102(b) as being anticipated by Murayama U.S Patent Number 5,401,495. The Examiner asserts Murayama teaches teeth whitener compositions. Applicant's claims are deemed to be anticipates over Example 4.

In response, the Applicant has amended claims 1-3 so as to overcome the rejections under 35 U.S.C. Applicant has amended claims 1-3 so as to overcome the rejections under 35 U.S.C. 102(b) over the cited prior art. Specifically, Murayama does not teach the invention as now claimed. Murayama teaches a teeth whitener composition, which "has the ultimate effect of 'staining' the teeth white by absorption." Murayama at column 6, line 45-46. This composition,

which is not removable, functions to "bleach" the teeth by absorbing titanium dioxide particles into the enamel of the teeth. The instant invention as now claimed is a composition, which can be removed from the surface at about room temperature with a solvent, which is distinct from the cited prior art reference.

Accordingly, Applicant respectfully submits that the amended application is not anticipated by the cited prior art reference and urges the Examiner to withdraw the rejection of claims 2-3,5 and 9-14 under 35 U.S.C. Applicant has amended claims 1-3 so as to overcome the rejections under 35 U.S.C. 102(b) as anticipated by Murayama.

In paragraph 9 of the December 6, 2001 Office Action, Claims 2-3, 5, and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sintov et al. Patent Number 5,424,953. The Examiner asserts that Sintov et. al discloses aqueous polymer compositions for tooth bleaching and other dental uses. The composition can comprise from 5% to 15 % by weight of hydroxypropyl cellulose, see the abstract, examples and claim 10. The Examiner notes Sintov differs from applicant's claimed invention in a number of ways such as: 1) there is no direct teaching (i.e. by way of an example) to an aqueous composition that actually comprises hydroxypropyl cellulose within applicant's claimed concentration range., and 2) the use of additional agents such as a coloring agent, an anionic surfactant, or a fragrance are not directly taught (i.e. by way of an example). However, the Examiner asserts that it would have also been obvious to one having ordinary skill in the art to use the disclosure of Sintov et al as motivation to actually make thickened aqueous dental compositions that contain a concentration of hydroxypropyl cellulose that reads on the applicant's claimed amount since such concentrations are directly disclosed by the patent, see claim 10. It would have also been obvious to one having

ordinary skill in the art to use the disclosure of Sintov et al as motivation to actually make thickened aqueous dental compositions that contain an anionic surfactant, a coloring agent or a fragrance since such are deemed to come with the broad disclosure of the patent and are also so well known in the art to be used in such compositions.

In response, Applicant respectfully submits that the amended application is patentable over Sintov under 35 U.S.C. 103(a) because it would not have been obvious to one having ordinary skill in the art to use the disclosure of Sintov as motivation to make the claimed composition which is capable of being removed from the surface at room temperature. There is no direct teaching in the cited prior art reference of the instant invention as now claimed. Moreover, there is no suggestion in the cited prior art reference to do so.

Accordingly, Applicant respectfully submits that the amended application is not rendered obvious by the cited prior art reference and urges the Examiner to withdraw the rejection of claims 2-3, 5 and 9-14 under 35 U.S.C. 103(a) in view of Sintov.

In paragraph 10 of the December 6, 2001 Office Action, Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings, Sr. U.S. Patent Number 3,956,951. The Examiner asserts Jennings, Sr. discloses dry and aqueous shaving compositions that comprise polyethylene oxide polymers directly within applicant's disclosed molecular weight range. The Examiner notes Jennings, Sr. differs from applicant's claimed invention in that there is not a direct teaching (i.e. by way of example) to an aqueous composition that contains polyethylene oxide. Furthermore, the addition of the other components such as anionic surfactant, coloring agents, and fragrances are also not direct taught by way of example. However, the Examiner asserts that it would have been obvious to one having ordinary skill in the art to use the broad

disclosure of Jennings, Sr. as motivation to actually make an aqueous shaving composition that contained polyethylene oxide polymer. The further addition of anionic surfactant, coloring agents or fragrances is also deemed to come within the broad disclosure of the reference and are in any case notoriously well known in the art.

In response, Applicant respectfully submits that the amended application is patentable over Jennings Sr. under 35 U.S.C. 103(a) because it would not have been obvious to one having ordinary skill in the art to use the disclosure of Jennings Sr. as motivation to make the claimed composition which is capable of being removed from the surface at room temperature. There is no direct teaching in the cited prior art reference of the instant invention as now claimed. Moreover, there is no suggestion in the cited prior art reference to do so.

Accordingly, Applicant respectfully submits that the amended application is not rendered obvious by the cited prior art reference and urges the Examiner to withdraw the rejection of claims 2-3, 5 and 9-14 under 35 U.S.C. 103(a) in view of Jennings, Sr..

Applicant respectfully submits that Rejections cited in paragraphs 4-10 of the December 6, 2001 Office Action are unsupported in view of the presently amended claims. Applicant has responded by describing the referenced patents and how they differ from and fail to teach the Applicant's invention. The descriptions of referenced patents follow the legal references forming the basis for allowance under 35 U.S.C. Applicant has amended claims 1-3 so as to overcome the rejections under 35 U.S.C. 102(b) and 35 U.S.C. 103 (a)

With regard to any proposed combination of the cited prior art references, it is well known that in order for any prior art references themselves to be validly combined for use in a prior art

§103 rejection, the references themselves (or some other prior art) must suggest that they be combined. In re Sernaker, 217 U.S.P.Q. 16 (CAFC 1983).

Prior art references in combination do not make an invention obvious unless something in the prior art references would suggest the advantage to be derived from combining their teachings. The suggestion to combine the references should not come from applicant. Orthopedic Equipment Co. v. United States, 217 U.S.P.Q. 193, 199 (CAFC 1983); Uniroyal, Inc. v. Rudkin-Wiley Corp., 5 U.S.P.Q. 2d 1434 (C.A.F.C. 1988) ("where prior-art references require selective combination by the court to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself...Something in the prior art must suggest the desirability and thus the obviousness of making the combination.").

CONCLUSION

For the foregoing reasons, Applicant respectfully submits that the application and amended claims are now in proper form for allowance and that the amended claims are patentable over the prior art.

Therefore, Applicant respectfully submits that the application is now in condition for allowance, respectfully solicits favorable action on all pending claims, namely Claims 1-14.

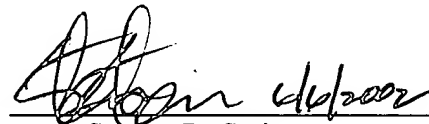
If for any reason this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. 706.03(d) and 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

In the event that there are any questions concerning this Amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of the application may be expedited.

No fee, other than the \$460.00 fee for a three-month extension of time, is deemed necessary in connection with the filing of this Amendment.

Respectfully submitted,
STEIN & STEIN

By:

A handwritten signature in black ink, appearing to read "Steven B. Stein", is written over a horizontal line.

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